

UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
v.	)	CIVIL NO. 3:07-CV-01067
	)	
\$13,506.00 in UNITED STATES CURRENCY,	)	
	)	
Defendant.	)	

**DEFAULT JUDGMENT AND FINAL ORDER OF FORFEITURE**

Plaintiff, United States of America, pursuant to Rule 55(b)(2) of the Federal Rules of Civil Procedure, has moved for a Default Judgment and Final Order of Forfeiture forfeiting the defendant property to the United States of America.

On October 29, 2007, the United States of America filed a Verified Complaint *In Rem* seeking forfeiture of the above-captioned defendant property, alleging that the defendant property constitutes moneys, negotiable instruments, securities, or other things of value furnished or intended to be furnished in exchange for a controlled substance or listed chemical in violation of 21 U.S.C. §841, proceeds traceable to such an exchange and all moneys, negotiable instruments, and securities used or intended to be used to facilitate any violation of 21 U.S.C. § 841(a)(1), knowing or intentional manufacture, distribution or dispensing, or possession with intent to manufacture, distribute or dispense, a controlled substance and is, therefore subject to forfeiture pursuant 21 U.S.C. § 881(a)(6); and pursuant to 18 U.S.C. § 981(a)(1)(A) which authorizes forfeiture of any property, real or personal, involved in a transaction or attempted transaction in violation of 18 U.S.C. §§ 1956, 1957 or 1960 or any property traceable to such property. (D.E. 1).

Pursuant to Summons and Warrant for Arrest *In Rem* issued by the Clerk of this Court on October 29, 2007 (D.E. 4), the United States Marshal for the Middle District of Tennessee executed the warrant against the defendant property on November 8, 2007 (D.E. 5).

On November 5, 2007, Percy M. Richard, was served, via certified mail, return receipt, with a copy of the Verified Complaint *In Rem* and Notice of Judicial Forfeiture Proceedings. (D.E. 7, Exhibit 1).

Pursuant to the Notice of Judicial Forfeiture Proceedings, Percy M. Richard was required to file his verified claim with the Clerk of this Court within thirty-five (35) days from service of the Verified Complaint *In Rem*, and Notice of Judicial Forfeiture.

Public notice to all persons of said forfeiture action was advertised in The Daily News Journal on November 10, 2007, November 11, 2007 and November 24, 2007. (D.E. 6).

Pursuant to said notice, all persons claiming an interest in defendant property were required to file their verified claims with the Clerk of this Court within thirty (30) days from the last date of publication of the Notice.

No person or entity has filed a Verified Claim within the time permitted by Title 18, United States Code, Section 983(a)(4)(A), and Rule G(5) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions, Federal Rules of Civil Procedure.

The Clerk of this Court has entered a default as to Percy M. Richard and all persons and entities claiming an interest in defendant property, pursuant to Rule 55(a) Federal Rules of Civil Procedure. (D.E. 8)

The United States has now moved for entry of a Default Judgment and this Court is of the opinion that the Motion of the United States for Default Judgment should be granted and Default

Judgment be entered as to Percy M. Richard and all persons or entities who may claim to have an interest in the defendant property. Further, the Court finds that the Verified Complaint for Forfeiture establishes probable cause to believe that the defendant property constitutes moneys, negotiable instruments, securities, or other things of value furnished or intended to be furnished in exchange for a controlled substance or listed chemical in violation of 21 U.S.C. §841, proceeds traceable to such an exchange and all moneys, negotiable instruments, and securities used or intended to be used to facilitate any violation of 21 U.S.C. § 841(a)(1), knowing or intentional manufacture, distribution or dispensing, or possession with intent to manufacture, distribute or dispense, a controlled substance and is, therefore subject to forfeiture pursuant 21 U.S.C. § 881(a)(6); and pursuant to 18 U.S.C. § 981(a)(1)(A) which authorizes forfeiture of any property, real or personal, involved in a transaction or attempted transaction in violation of 18 U.S.C. §§ 1956, 1957 or 1960 or any property traceable to such property, and, therefore, a Final Order of Forfeiture should be entered.

The Motion of the United States for Default Judgment and Final Order of Forfeiture is hereby GRANTED. Therefore, it is hereby


ORDERED, ADJUDGED AND DECREED that:

1. A Judgment by Default is hereby entered as to Percy M. Richard and all persons or entities with respect to any interest they may have in the defendant property.
2. The defendant property more particularly described as \$13,506.00, is hereby forfeited to the United States of America, and all right, title and interest in and to said property is hereby vested in the United States of America, pursuant to 21 U.S.C. § 881(a)(6) and 18 U.S.C. § 981(a)(1)(A).

3. The United States Marshals Service, as custodian of said forfeited property, shall dispose of the same according to law.

4. The Clerk of this Court shall provide the United States Attorney's Office and the United States Marshals Service with a certified copy of this order.

Dated on this, the 24th day of October, 2008 .

  
\_\_\_\_\_  
Judge Thomas Wiseman  
UNITED STATES DISTRICT JUDGE